

**ASSEMBLY BILL**

**No. 1785**

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**Introduced by Assembly Member Quirk**

February 4, 2016

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An act to amend Section 23123.5 of the Vehicle Code relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1785, as introduced, Quirk. Vehicles: use of electronic wireless communications devices.

Existing law prohibits a person from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, unless the electronic wireless communications device is specifically designed and configured, and is used, to allow voice-operated and hands-free operation, as specified. Existing law defines “write, send, or read a text-based communication” as using an electronic wireless communications device to manually communicate with another person using a text-based communication, as specified. Existing law excludes from that definition circumstances in which a person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call, or otherwise activates or deactivates a feature or function on an electronic wireless communications device. A violation of these provisions is an infraction.

This bill would delete the exclusion described above and instead would exclude from the definition of “write, send, or read a text-based communication” using the electronic wireless communications device in a voice-operated and hands-free mode. By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23123.5 of the Vehicle Code is amended  
2 to read:

3 23123.5. (a) A person shall not drive a motor vehicle while  
4 using an electronic wireless communications device to write, send,  
5 or read a text-based communication, unless the electronic wireless  
6 communications device is specifically designed and configured to  
7 allow voice-operated and hands-free operation to dictate, send, or  
8 listen to a text-based communication, and it is used in that manner  
9 while driving.

10 (b) As used in this section “write, send, or read a text-based  
11 communication” means using an electronic wireless  
12 communications device to manually communicate with any person  
13 using a text-based communication, including, but not limited to,  
14 communications referred to as a text message, instant message, or  
15 electronic mail.

16 (c) For purposes of this section, a person shall not be deemed  
17 to be writing, reading, or sending a text-based communication if  
18 the person reads, selects, or enters a telephone number or name in  
19 an electronic wireless communications device for the purpose of  
20 making or receiving a telephone call or if a person otherwise  
21 activates or deactivates a feature or function on an electronic  
22 wireless communications device. *is using the electronic wireless*  
23 *communications device in a voice-operated and hands-free mode.*

24 (d) A violation of this section is an infraction punishable by a  
25 base fine of twenty dollars (\$20) for a first offense and fifty dollars  
26 (\$50) for each subsequent offense.

27 (e) This section does not apply to an emergency services  
28 professional using an electronic wireless communications device  
29 while operating an authorized emergency vehicle, as defined in  
30 Section 165, in the course and scope of his or her duties.

1     SEC. 2. No reimbursement is required by this act pursuant to  
2     Section 6 of Article XIII B of the California Constitution because  
3     the only costs that may be incurred by a local agency or school  
4     district will be incurred because this act creates a new crime or  
5     infraction, eliminates a crime or infraction, or changes the penalty  
6     for a crime or infraction, within the meaning of Section 17556 of  
7     the Government Code, or changes the definition of a crime within  
8     the meaning of Section 6 of Article XIII B of the California  
9     Constitution.

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